

Application No. 09/960,606

REMARKS

Claims 1-15 are pending. By this Amendment, claims 1, 6, and 10-15 are amended.

Applicant submits that the claim amendments presented herein are necessary for reasons explained below, and place this case in condition for allowance. Further, Applicant submits that good and sufficient reasons exist for why these claim amendments were not presented earlier. Specifically, counsel for Applicant made numerous, repeated attempts over a period of several months to telephonically contact Stephen Pollard, the previous Examiner assigned to this case, to seek an interview for clarification of the Office Action, reasons for rejection of the claims, and to discuss amendments to the claims. These attempts were all unsuccessful. Further, numerous phone messages for Examiner Pollard left by Applicant requesting a return telephone call to discuss this case or to indicate the Examiner's availability for an interview, were met with no response. Moreover, Applicant's written request contained in the Amendment of July 22, 2002, for Examiner Pollard to indicate availability for an interview, similarly met with no response. As a result, Applicant was unable to accurately ascertain the Examiner's specific concerns regarding the claims, in order to frame appropriate amendments.

Additional related reasons are that this application has been made special and such consideration of the submitted amendments is consistent with accelerating the prosecution of the case.

Rejections Under 35 U.S.C. § 112

In the Final Office Action of December 31, 2002, claims 5 and 6-10 were rejected as being indefinite. Specifically, claim 5 was said to contain a term "the handle" which lacked antecedent basis, and claim 6 was said to contain a term "the second fitting" which lacked antecedent basis. In response, Applicant submits that each of these matters were corrected by

BEST AVAILABLE COPY

Application No. 09/960,606

amendment in the Amendment of July 22, 2002, and that claims 5 and 6 as now pending contain no such terms. As a result, Applicant respectfully requests that these rejections be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 1, 3-6, 8-11, and 13-15 were rejected as obvious over Schutz '142. In response, Applicant has amended claims 1, 6, and 11 to clarify that the present invention includes a plastic drum with an integrally molded structure wherein the unique tall protective chime of the invention is integrally formed with the top wall and cylindrical sides of the drum so that the drum has no welded portions connecting any of these portions of the drum. Care has been taken not to add new matter. Applicant respectfully submits that none of the cited references, including Schutz '142, alone or in combination, disclose a drum having a tall chime wherein the chime, the top wall, and the cylindrical wall are integrally molded so that there are no welded portions connecting the chime with the top wall or the cylindrical wall, with the fitting positioned so that components thereon can extend upwardly 1 and $\frac{1}{4}$ inches and still be below the top of the chime as now claimed. As a result, Applicant respectfully requests that the Examiner withdraw these rejections.

Further, claims 2, 7, and 12, were rejected over Schutz '142 in combination with DuBois, et. al. '306. As these claims are dependent on base claims demonstrated above to be themselves allowable, Applicant submits that these claims are allowable. Applicant respectfully requests that the rejections of these claims be withdrawn.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

BEST AVAILABLE COPY

Application No. 09/960,606

Considering the previous inability to communicate with the previous examiner, the newly designated examiner is requested to telephone the undersigned to try and reach an allowance without continuing the appeal process.

Respectfully submitted,



Douglas J. Christensen
Registration No. 35,480

Customer No. 24113
Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-3001

BEST AVAILABLE COPY